

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

September 6, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Dr. James V. Steele from Unity Christian Church. Councilmen Lowery, Peete and Brown presented Pastor Steele with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

20. **RESOLUTION APPROVING THE ACQUISITION OF EASEMENT FROM BRYAN SHELBY FARMS L.P., LOCATED ON THE NORTH SIDE OF GRATTITUDE CHURCH ROAD, APPROXIMATELY 1,085.6 FEET NORTH OF THE CENTERLINE OF PLEASANT RIDGE ROAD AS MEASURED ALONG THE CENTERLINE OF GRATTITUDE CHURCH ROAD, FOR THE SUM OF \$120,184.00.**

Held until September 20, 2005

29. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF HACKS CROSS ROAD AND BILL MORRIS PARKWAY, CONTAINING 8.9 ACRES IN THE PARCEL L OF THE BUCKINGHAM FARMS P.D. +/-4 ACRES (P.D. 95-310CC) AND THE NONCONNAH CROSSING PLANNED DEVELOPMENT P.D. 02-335CC – 5.5 ACRES.**

Case No. PD 05-313cc
(Companion Case: PD 03-363cc)

Held until October 11, 2005

52. **RESOLUTION WELCOMING HURRICANE KATRINA VICTIMS TO OUR CITY WITH OPEN ARMS AND ENCOURAGE OUR CITIZENRY TO CONTINUE IN THE TRADITION OF HELPING THOSE IN NEED.**

MOTION: Mitchell
SECOND: Marshall

APPROVED, unanimous voice vote

40. **RESOLUTION DECLARING SEPTEMBER 18, 2005 AS RACIAL HARMONY AND
EQUALITY SUNDAY.**

MOTION: Lowery
SECOND: McCormick

APPROVED, unanimous voice vote

46. **RESOLUTION APPROVING AN EMERGENCY FUEL SURCHARGE OF TWO
DOLLARS (\$2.00) PER TRIP, FOR THE TAXICAB INDUSTRY, UNTIL MARCH 7,
2006.**

MOTION: Holt
SECOND: Marshall
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

34. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE
NORTHEAST CORNER OF PIER STREET AND CHANNEL AVENUE, CONTAINING
5.022 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.**

Case No. SUP 05-207

35. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE
SOUTHEAST CORNER OF JACK CARLEY CAUSEWAY AND WEST TRIGG
AVENUE, CONTAINING 28.951 ACRES IN THE HEAVY INDUSTRIAL (I-H)
DISTRICT.**

Case No. SUP 05-208

(Councilman Taylor made a motion for these 2 items to be delayed)

(Special Item#1)

MOTION: Taylor
SECOND: McCormick
AYES: Holt, Hooks, Lowery, Marshall, McCormick, Peete and Taylor
NAYS: Brown, Chumney, Jones and Taylor
 Mitchell abstained

APPROVED, (items #34 & #35 held until October 11, 2005)

25. **ORDINANCE REZONING THE EAST SIDE OF COX STREET; +47.5 FEET NORTH
OF YOUNG AVENUE, CONTAINING 0.13 ACRE IN THE LOCAL COMMERCIAL (C
L) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5126
Case No. Z 05-116

Applicant: Northside Properties
 Stephen Steinbach – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Taylor
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

26. **RESOLUTION REZONING THE WEST SIDE OF HOUSTON LEVEE ROAD; +/-998 FEET NORTH OF MACON ROAD, CONTAINING 0.86 ACRE IN THE PLANNED COMMERCIAL (C-P) DISTRICT.**

Case No. SUP 05-205cc

Applicant: Edward T. Grinder

Request: Drive-In Restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Taylor

AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
Brown did not cast a vote

APPROVED

27. **RESOLUTION REZONING THE EAST SIDE OF CARRIER STREET; AT THE EASTERN TERMINUS OF TRANSPORT AVENUE, CONTAINING 18.27 ACRES IN THE LIGHT INDUSTRIAL (I-L) AND LIGHT INDUSTRIAL FLOOD PLAIN (I L[FP]) DISTRICTS.**

Case No. SUP 05-211

Applicant: Old Dominion Freight Lines
ETI Corporation (Ralph Smith) – Representative

Request: Allow a truck or motor freight terminal service facility

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Taylor

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick Peete, Sammons, Taylor and Chairman Ford
Mitchell did not cast a vote

APPROVED

28. **RESOLUTION REZONING THE SOUTHEAST CORNER OF DOUGLASS AVENUE AND ECHLES STREET, CONTAINING 0.12 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. UV 05-06

Held until September 20, 2005

30. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF HACKS CROSS ROAD AND MIST MEADOWS LANE EXTENDING SOUTHWARD TO NONCONNAH CREEK AND NORTHEAST CORNER OF HACKS CROSS ROAD AND NONCONNAH PARKING, EXTENDING EASTWARD SOME 2,000 FEET, CONTAINING 39.0 ACRES IN THE TOWNHOUSE RESIDENTIAL (R-TH) AND AGRICULTURAL FLOOD PLAIN (AG{FP}) DISTRICTS.**

Case No. PD 03-363cc
(Companion Case: PD 05-313cc)

Applicant: B. J. Gurley
Homer Branan/Ralph Smith – Representative

Request: Area A: Retail Commercial Uses with exceptions; Area B: Commercial Uses with exception

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Taylor
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

31. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF L & N RAILROAD AND INTERSTATE 240, CONTAINING 84.89 ACRES IN THE MULTIPLE FAMILY (R-MM) & MULTIPLE FAMILY FLOOD PLAIN (R-MM{FP})DISTRICT.**

Case No. PD 05-314

Chairman Ford recognized the following person from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

Applicant: William H. Thomas, Jr.
 ETI Corporation – Representative

Request: A planned development to permit Light (I-L) Industrial uses within the plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Peete
SECOND: Jones
AYES: Holt, Hooks, Jones, Lowery, Peete, Taylor and Chairman Ford
NAYS: Chumney, Marshall, McCormick, Mitchell and Sammons
 Brown did not cast a vote

APPROVED, as amended

12. **RESOLUTION DECLARING THE MONTH OF SEPTEMBER AS PROSTATE CANCER AWARENESS MONTH.**

Chairman Ford recognized the following person from the audience:
Caroline Randolph, 3475 Central Avenue, Memphis, TN. 38111

MOTION: Holt
SECOND: Peete
AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete,
 Sammons and Chairman Ford
 Brown and Taylor did not cast a vote

APPROVED

48. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING ALLOCATIONS OF \$440,000.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO RALEIGH/MILLINGTON SEWER REPAIR, PROJECT NUMBER SW02064.**

Resolution appropriating \$440,000.00 funded by Sewer Funds for an emergency repair of 36’ sewer line for Raleigh/Millington Sewer Repair, project number SW02064.

MOTION: Hooks
SECOND: Holt

AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford
Brown and Taylor did not cast a vote

APPROVED

51. **RESOLUTION APPROPRIATING CAPITAL FUND FOR THE SETTLEMENT OF CLARK CONSTRUCTION GROUP, INC., PLAINTIFF VS. CITY OF MEMPHIS AND THE MEMPHIS COOK CONVENTION CENTER, DEFENDANTS CIVIL ACTION NO. 01-2780 U.S. DISTRICT COURT.**

MOTION: Marshall
SECOND: Jones
AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAY: Chumney

APPROVED

53. **APPOINTMENTS**

CHIEF FINANCIAL OFFICER

APPOINTMENT

Robert Lipscomb

MOTION: Marshall
SECOND: Jones
AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAY: Chumney

APPROVED

49. **APPOINTMENTS**

DIRECTOR OF FINANCE

APPOINTMENT

Roland L. McElrath

MOTION: Marshall
SECOND: Holt
AYES: Brown, Holt, Jones, Lowery, Marshall, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAYS: Chumney, Hooks and McCormick

APPROVED

32. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF CRUMP BOULEVARD; BETWEEN LATHAM STREET AND FOURTH STREET, CONTAINING 8.13 ACRES IN THE MULTIPLE RESIDENTIAL (R-MM) & SOUTH DOWNTOWN (RSD) DISTRICT.**

Case No. PD 05-339

Applicant: Memphis Housing Authority
Michael Swindle - Representative

Request: Twenty-five (25) Single Family Lots; Sixteen (16) apartment units in four buildings (4/unit) and Eighty (80) apartment units for Senior Citizens in one building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

33. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF HOUSTON LEVEE ROAD AND GRAY’S CREEK DRAINAGE CANAL, CONTAINING 31.82 ACRES IN THE AGRICULTURAL FLOOD PLAIN (AG[FP]) AND FLOODWAY (FW) DISTRICTS & FORMERLY GOVERNED BY CORDOVA GARDENS PLANNED DEVELOPMENT (P.D. 99-317CC).**

Case No. PD 05-333cc

Applicant: Houston Levee, LLC
Harkavy-Shainberg, PLC – Representative

Request: Planned development to allow Planned Commercial(C-P) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Taylor
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

14. **RESOLUTION APPROVING FINAL PLAT OF WILKINSON PLACE SUBDIVISION. (HELD FROM 8/16).**

Case No. S 05-030

Chairman Ford recognized the following person from the audience:
Mary Alice Inzer, 3738 Philwood Avenue, Memphis, TN. 38122

Resolution approves the final plat located at the terminus of Wilkinson Place. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

MOTION: Chumney
SECOND: Holt
AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAY: Chumney

APPROVED

39. **RESOLUTION TO ADOPT THE SOUTH FORUM DISTRICT REDEVELOPMENT PLAN AS A FRAMEWORK TO GUIDE FUTURE DEVELOPMENT IN THE “SOUTH FORUM DISTRICT” (ROUGHLY BOUNDED BY LINDEN ON THE NORTH, GE PATTERSON ON THE SOUTH, MULBERRY ON THE WEST, AND DANNY THOMAS ON THE EAST) AND TO REVITALIZE THIS IMPORTANT NEIGHBORHOOD.**

Held until September 20, 2005

44. **RESOLUTION APPROVING A HOTEL WAIVER FOR BEALE STREET WESTIN HOTEL LOCATED AT THE NORTHWEST CORNER OF THIRD STREET AND LT. GEORGE W. LEE AVENUE.**

MOTION: Marshall
SECOND: Holt
AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons, Taylor and Chairman Ford
Brown did not cast a vote
Peete recused

APPROVED

Approval of the MINUTES of Items #14, #46, #48 and #51, from the regular meeting of September 6, 2005.

(Special Item #2)

MOTION: Jones
SECOND: Marshall
AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
NAY: Chumney

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of August 16, 2005

MOTION: Mitchell
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

13. **APPOINTMENTS**

MEMPHIS CITY BEAUTIFUL COMMISSION

Shelley McKee – Reappointment

MOTION: Marshall
SECOND: Brown
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

15. **RESOLUTION APPROPRIATING \$6,500,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03018, PREVENTIVE MAINTENANCE, TO FUND OPERATING COSTS FOR THE MEMPHIS AREA TRANSIT AUTHORITY IN FISCAL YEAR 2006 AS PART OF THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hooks
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

16. **RESOLUTION APPROPRIATING \$80,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03002, MATA FACILITY IMPROVEMENTS, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hooks

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

17. **RESOLUTION APPROPRIATING \$30,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03010, COMPUTER HARDWARE AND SOFTWARE, TO FUND THE 10% LOCAL SHARE OF COST AS PART OF THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hooks

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

24. **RESOLUTION APPROPRIATING \$250,000.00 IN G.O. BONDS FOR DOWNTOWN PUBLIC IMPROVEMENTS, PROJECT NUMBER PW01044 FOR CONSTRUCTION OF PEABODY PLACE ELEMENT E AND COURT SQUARE STREETSCAPE IMPROVEMENTS.**

Director of Public Works and City Engineer recommends approval

MOTION: Hooks

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

18. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OWNED PROPERTY LOCATED ON THE SOUTH SIDE OF DISON AVENUE, WEST OF PENNSYLVANIA STREET AND EAST OF CASTEX STREET. THE APPROXIMATE DIMENSION BEING 75' X 100', AND CONTAINING 7,500 SQUARE FEET, MORE OR LESS. THE LOT IS UNIMPROVED.THE AMOUNT OF THE OFFER IS \$1,800.00.**

Resolution accepts an offer from Geno A. Banks to purchase property located in the City of Memphis, County of Shelby and State of Tennessee. Said property was acquired by the City of Memphis in Tax Sale #13, Chancery Court Cause TRD #9460-2, as exhibit #3467 by the City of Memphis on May 4, 2000 for delinquent taxes. The Shelby County Tennessee Assessor's Office has identified the property as Ward 035, Block 060, Parcel 010, Lots 19-23, South Fort Pickering Subdivision, Block 5; being the same property conveyed by Deed recorded as Instrument No. EN-4833 in the Shelby County Register's Office. Per ordinance, the sale of the subject parcels are NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

MOTION: Brown

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

19. **RESOLUTION APPROPRIATING \$400,000.00 IN CONSTRUCTION FOR THE RENOVATION OF CITY FACILITIES FOR ADA FACILITY COMPLIANCE, CIP PROJECT NUMBER GS01010 FUNDED BY G.O. BONDS GENERAL, CHARGEABLE TO THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Brown
 SECOND: Marshall
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

21. **RESOLUTION APPROVING THE ACQUISITION OF EASEMENT FROM JULIA ELLEN ARMOUR-GORDON, LOCATED ON THE EASTERLY SIDE OF STEWART ROAD AND SOUTH OF THE SOUTH LINE OF PAUL BARRET PARKWAY, FOR THE SUM OF \$104,288.00.**

MOTION: Brown
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

22. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$134,000.00 FUNDED BY G.O. BONDS GENERAL FROM CONTRACT CONSTRUCTION WITHIN COACH AND FOUR/CENTRAL SQUARE, PROJECT NUMBER CD01048, TO CONTRACT CONSTRUCTION WITHIN SOULSVILLE DEMOLITION, PROJECT NUMBER CD01055.**

MOTION: Holt
 SECOND: Brown
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

23. **RESOLUTION APPROPRIATING \$250,000.00 IN G.O. BONDS GENERAL, IN CONSTRUCTION FUNDS FOR ZOO MAJOR MAINTENANCE, CIP PROJECT NUMBER PK09002.**

Council did include Zoo Major Maintenance, CIP Project Number PK09002, as part of the FY 2006 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation.

MOTION: McCormick
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

CONSENT AGENDA – Items 1 – 9, #36 - #38, #41 - #43, & #45, #47, #50 & #54 may be acted upon by one motion. SEE PAGE 1691 FOR ROLL CALL

1. **ORDINANCE AMENDING ORDINANCE NO. 5014, TO EXTEND THE SUNSET CLAUSE TO NOVEMBER 1, 2007, UP FOR S E C O N D READING.**

Ordinance No. 5128

APPROVED, on First reading

2. **ORDINANCE AMENDING FRANCHISE ORDINANCE #4159, WITH TIME WARNER ENTERTAINMENT CO., TO REFLECT OWNERSHIP CHANGE TO CABLE HOLDCO II, INC., UPON THE SAME TERMS AND CONDITIONS AS PREVIOUSLY HELD BY PAST ENTITIES, UP FOR S E C O N D READING.**
Ordinance No. 5129

APPROVED, on Second reading

3. **ORDINANCE REZONING THE WEST SIDE OF AIRWAYS BOULEVARD; +179 FEET SOUTH OF WINCHESTER, CONTAINING 0.276 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR F I R S T READING.**
Ordinance No. 5130
Case No. Z 05-106

APPROVED, on First reading

4. **ORDINANCE REZONING PLOUGH BOULEVARD SOUTH OF WINCHESTER ROAD, CONTAINING 2,300 LINEAR FEET, UP FOR F I R S T READING.**
Ordinance No. 5131
Case No. SNC 05-803

APPROVED, on First reading

5. **ORDINANCE REZONING THE SOUTH WEST CORNER OF YALE AND COVINGTON PIKE, CONTAINING 0.53 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR F I R S T READING.**
Ordinance No. 5132
Case No. Z 05-117

APPROVED, on First reading

6. **ORDINANCE REZONING THE WEST SIDE OF HERNANDO ROAD; +10 FEET SOUTH OF FERGUSON ROAD, CONTAINING 3.77 ACRES IN THE MULTIPLE FAMILY RESIDENTIAL (R-MM) DISTRICT, UP FOR S E C O N D READING.**
Ordinance No. 5127
Case No. Z 05-115

APPROVED, on Second reading

7. **RESOLUTION ACCEPTING BOLEN RIDGE P.D., PHASE 1 AND AUTHORIZING RELEASE OF BOND.**
Case No. PD 00-313cc
(Contract No. CR-4703)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 1024.40 feet east of the intersection of Coleman Road and Bolen Huse Road. The standard improvement contract was approved on April 1, 2001. Resolution also authorizes the release of the letters of credit in the amount of \$34,000.00 and \$13,100.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

8. **RESOLUTION ACCEPTING BUCKINGHAM FARMS P.D., PHASE 25 AND AUTHORIZING RELEASE OF BOND.**
Case No. PD 95-310cc
(Contract No. CR-4933)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on January 13, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$449,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

9. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No PD 05-328 – Sheppard Oaks PD (Previously titled Belle Meade PD)
- B. Case No. PD 05-334 – East Gwynne Place PD
- C. Case No. PD 05-336 - Hwy. 64 & Morning Sun PD, Amended
- D. Case No. PD 05-343 – Animal Emergency Center PD
- E. Case No. SAC 05-611 – Webster Street & Adjacent East/West Alleys

Public Hearing Set for September 20, 2005

36. **RESOLUTION APPROVING FINAL PLAT OF NEWTON COURT PLANNED DEVELOPMENT.**

Case No. PD 05-310

Resolution approves the final plat located on the south side of Helene Drive, 175 feet east of Warwick Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

37. **RESOLUTION APPROVING FINAL PLAT OF HIGHLAND POINT SUBDIVISION, 1ST ADDITION.**

Case No. S 04-064cc
Contract No. CR-4967

Resolution approves the final plat located west of Berryhill Road, south of Grove Road. Cost of the required improvements to be borne by the developer. Resolution authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

38. **RESOLUTION APPROVING FINAL PLAT OF IVY AT SOUTH END.**

Case No. S 05-025

Resolution approves the final plat located on the west side of South Front Street, 79.66 feet of north of Georgia Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

41. **RESOLUTION APPROVING FINAL PLAT OF ROBINSON WAY PD.**

Case No. PD 02-317
Contract No. CR-4968

Resolution approves the final plat located on the west side of Shady Grove Road, 372.44 feet south of Wood Way Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

42. **RESOLUTION APPROVING FINAL PLAT OF APPLING COMMONS PD, THIRD AMENDMENT, PHASE 4, AREA D.**

Case No. PD 04-355cc
Contract No. CR-4969

Resolution approves the final plat located on the southeast corner of Goodlett Farms Parkway and Garrett Ridge Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

43. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT SUBDIVISION 8.**

Case No. S 04-088
Contract No. CR-4970

Resolution approves the final plat located on the southeast corner of Danny Thomas Boulevard and Looney Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

45. **RESOLUTION APPROVING MEMPHIS AMBIANCE TO HAVE A CLASSIC TAILGATE BLOCK PARTY ON SATURDAY, SEPTEMBER 10, 2005 FROM 10:00 A.M. UNTIL 2:00 A.M.**

APPROVED

47. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5133

APPROVED, on First reading

50. **RESOLUTION SUPPORTING AND WELCOMING THE MEMPHIS AND SHELBY COUNTY DMC TASK FORCE AND ITS WORK TO STUDY AND REDUCE THE DISPROPORTIONATE CONFINEMENT AND CONTACT OF MINORITIES IN THE JUVENILE JUSTICE SYSTEM.**

APPROVED

54. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES REGARDING GENERAL RESTRICTIONS ON ISSUANCE OF LICENSE TO SELL BEER FOR OFF-PREMISES CONSUMPTION, UP FOR F I R S T READING.**

Ordinance No. 5134

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Hooks
SECOND: Jones
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

MLGW FISCAL CONSENT- Items #10 & #11 may be acted upon by one motion

10. **RESOLUTION AWARDDING CONTRACT FOR GAS SERVICE ASSEMBLY RISERS TO CHRIS GEORGE SALES, IN THE AMOUNT OF \$732,150.00.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10673, FACILITIES LOCATION SERVICES, WITH HEATH CONSULTANTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$180,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 60 DAYS BEGINNING 9/30/05.)**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Marshall
SECOND: Sammons
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Ford recognized the following person from the audience:
Jeffery Woodard, 4843 Criagmont Dr., Memphis, TN. 38128

ADJOURNMENT

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

_____ CHAIRMAN

Deputy Comptroller/Council Records